

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,593 01/28/2004		Berthold Berens	A-3878	A-3878 3879	
24131	7590	07/13/2005		EXAMINER	
		EENBERG, PA	NGUYEN, PHONG H		
P O BOX 24 HOLLYWO		33022-2480	ART UNIT	PAPER NUMBER .	
	•			3724	
				3724	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(1)
$\omega$

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Endmainted of time may be available under the provisions of 37 CPR 1.136(a). In an event, however, may a reply be timely filled after SIX (6) MCNTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximus actions of 37 CPR 1.136(a). In a cevent, however, may a reply does with the substitution of the condition of the communication.  If NO period for reply is specified above, the maximus activator providing what with legis XIX (6) MCNTHS from the mailing date of this communication.  Failure to reply validin the set or cetended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office late than three monitis after the mailing date of this communication, even if timely filled, may reduce any searched patient term adjustment. See 37 CPR 1.704(b).  Status  1) Responsive to communication(s) filled on 23 June 2005.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-21 is/are pending in the application.  4a) Of the above claim(s) 5-21 is/are withdrawn from consideration.  5 Claim(s) 1-4 is/are rejected.  7) Claim(s) 1-4 is/are objected to.  8) Claim(s) 1-4 is/are objected to.  8) Claim(s) 1-4 is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *0 None of:  1. Certified copies of the priority documents have been received in A	•	Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAINLE DATE OF THIS COMMUNICATION.  The MAINLE DATE OF THIS COMMUNICATION.  The MAINLE DATE OF THIS COMMUNICATION.  The Mainte Date of the replace and the second of the provided of the control of the replace of the provided of the control of the replace of the provided of the provided of the provided of the replace of the provided of the		10/766,593	BERENS ET AL.				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than thitly (60) days, an it period to reply specified above is less than thitly (60) days, an it period for reply specified above is less than thitly (60) days, an it period for reply specified above is less than thitly (60) days, an it period for reply specified above is less than thitly (60) days, an it period for reply specified above is less than thitly (60) days, an it period for reply specified above is less than thitly (60) days, an it period for reply specified above is less than thitly (60) days, an it period days will be considered finely.  If the period for reply specified above is less than this (60) days, an it period to reply specified above is less than this (60) days, an it period days will be considered finely.  An or play reply received by the Office she than three mentils after the mailing date of this communication, even if invely filed, may reduce any search period of this communication.  All properties of the specific date is an interest than the search period of this communication, even if invely filed, may reduce any search period of this communication.  Status  1) ■ Responsive to communication(s) filed on 23 June 2005.  Status  1) ■ Responsive to communication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ■ Claim(s) 1-21 is/are pending in the application.  4) ■ Claim(s) 1-21 is/are pending in the application.  4) ■ Claim(s) 1-21 is/are pending in the application.  4) ■ Claim(s) 1-21 is/are objected to by the Examiner.  Claim(s) 1-21 is/are objected to by the Examiner.  10) ■ The drawing(s) filed on 1 is/are: a) 1 cordance period to period to	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  after 81X (9) MONTHS from the malting date of this communication.  after 81X (9) MONTHS from the malting date of this communication is the process of the progression of the process of the proce							
THE MAILING DATE OF THIS COMMUNICATION.  Edercinos time may be available under the provisions of 3 CPR 1.13(a). In no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication. It is not to make the provision of	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
1) Responsive to communication(s) filed on 23 June 2005.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-21 is/are pending in the application.  4a) Of the above claim(s) 5-21 is/are withdrawn from consideration.  5) Claim(s) 1-4 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Note the advang(s) is objected to. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of Parisperson's Patent Drawing Review (PTO-949)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  9) Other:	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	of (a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).				
2a)  This action is FINAL. 2b)  This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4  Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) 5-21 is/are withdrawn from consideration.  5  Claim(s) is/are allowed. 6  Claim(s) 1-4 is/are rejected. 7  Claim(s) is/are objected to. 8  Claim(s) is/are objected to. 8  Claim(s) is/are objected to by the Examiner.  10  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers  9  The specification is objected to by the Examiner. 10  The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.	Status						
4) Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) 5-21 is/are withdrawn from consideration.  5) Claim(s)	2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This 3) ☐ Since this application is in condition for allowar	action is non-final. ace except for formal matters, pro					
4a) Of the above claim(s) 5-21 is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) ☒ Claim(s) is/are eljected.  7) □ Claim(s) is/are objected to.  8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☒ All b) □ Some * c) □ None of:  1. ☒ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date 0/1/28/04_05/04/04.	Disposition of Claims						
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some colongology of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  1) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date 01/28/04_0.05/04/04.  4) Interview Summary (PTO-413)  Paper No(s)/Mail Date 01/28/04_0.05/04/04.  5) Notice of Informal Patent Application (PTO-152)  6) Other:	4a) Of the above claim(s) <u>5-21</u> is/are withdrawn 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) <u>1-4</u> is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	from consideration.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-992)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date 01/28/04, 05/04/04.  5) Notice of Informal Patent Application (PTO-152)  6) Other:	Application Papers		•				
12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 01/28/04, 05/04/04.  6)  Other:	10) The drawing(s) filed on is/are: a) acceed applicant may not request that any objection to the Replacement drawing sheet(s) including the correct	epted or b) objected to by the bed on the bed on by the bed on the	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
a) \[ All \] b) \[ Some * c) \[ None of: \]  1. \[ Certified copies of the priority documents have been received. \]  2. \[ Certified copies of the priority documents have been received in Application No \]  3. \[ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) \[ Notice of References Cited (PTO-892)	Priority under 35 U.S.C. § 119						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 01/28/04, 05/04/04. 4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) 6) Other:	<ul> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 01/28/04, 05/04/04.  Paper No(s)/Mail Date 01/28/04, 05/04/04.  Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) 6) Other:	Attachment(s)  1) Notice of References Cited (PTO-892)	· 4\	(PTO-413)				
	<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 01/28/04, 05/04/04.</li> </ul>	Paper No(s)/Mail Da 5) Notice of Informal P	ate				

Application/Control Number: 10/766,593

Art Unit: 3724

### **DETAILED ACTION**

#### Election/Restrictions

1. Applicant's election without traverse of claims 1-4 in the reply filed on 06/23/2005 is acknowledged.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shannon (6,153,316).

Shannon teaches an aluminum sheet having a hard anodized top layer capable of being used as a scoring and punching backing plate. See col. 6, example A.

## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3724

7.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (6,153,316) in view of Yoshida et al. (4,540,449), hereinafter Yoshida.

Shannon teaches the invention substantially as claimed except for the thickness of the anodized top and its hardness number. Yoshida teaches an anodized layer having maximum hardness number 350HV at a thickness of 12.5 micrometers. See Fig. 1.

Therefore, it would have been obvious to one skilled in the art to provide the anodized layer in Shannon a thickness of 12.5 micrometers to achieve a maximum hardness number of 350HV.

#### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sinn et al. (6,106,453), Hycner et al. (4,862,799), Kinkel (3,650,006) and Machamer (6,772,663 B2) teach punching and scoring backing plates of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/766,593

Art Unit: 3724

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN:

July 7, 2005

Timothy V. Eley / Primary Examiner